

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 15-cv-01023-REB-KMT (Consolidated with Civil Action Nos. 15-cv-01024-REB-KMT and 15-cv-01025-REB-KMT)

KW-2, LLC,

Plaintiff,

v.

ASUS COMPUTER INTERNATIONAL, et al.

Defendants.

ORDER CONCERNING APPOINTMENT OF MASTER

Blackburn, J.

This matter is before the court *sua sponte*. These consolidated patent infringement cases concern a patent for a battery monitor system for interface and control of lithium-ion batteries useable in micro-grids and other applications. This case is ripe for the construction of disputed claims applying the standards of *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 384-88 (1996) and its progeny.

The patents-in-suit concerns technology that is highly specialized and technical. It is likely that a master with education and skill in the technical areas of the patents-in-suit will be able to construe the disputed claims more accurately, efficaciously, and expeditiously than a judge of this court. Under Fed. R. Civ. P. 53(a)(1), these circumstances are sufficient to warrant the appointment of a master.

Before appointing a master, the court must give the parties notice and an opportunity to be heard. **FED. R. CIV. P. 53(b)(1)**. This order shall serve as notice to the parties of the court's intent to appoint a master to construe the disputed claims of the

patents-in-suit. This order provides a schedule for the parties to state their positions on this issue and to suggest candidates for the position of master.

THEREFORE, IT IS ORDERED as follows:

1. That by September 14, 2015, each party shall file a brief addressing the question whether a master should be appointed to construe the disputed claims of the patents-in-suit;
2. That in its brief, each party shall state whether it consents to the appointment of a master to construe the disputed claims of the patents-in-suit;
3. That in its brief, each party may suggest one or more candidates for appointment as a master and shall include a curriculum vitae of the relevant qualifications of any candidate;
4. That any party that supports and consents to the appointment of a master shall file a proposed order which appoints a master to construe the disputed claims of the patent(s) in suit and which contains the contents required under Fed. R. Civ. P. 53(b)(2)(A)-(E); and
5. That the proposed order shall be filed in CM/ECF as an attachment to the brief of the party submitting the proposed order and shall be tendered separately to the court in a Microsoft Word document via e-mail at blackburn_chambers@cod.uscourts.gov.

Dated August 17, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge